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Paper No. 9

RICHARD D WEIR
1404 WESSON COVE
CEDAR PARK TX 78613

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DEC 08 2003

OFFICE OF PETITIONS

In re Application of
Weir, et al.
Application No. 09/833,609
Filed: April 12, 2001
Docket No. EESTor 100

ON PETITION

This is a decision on the petition to revive under 37 CFR 1.137(b), pursuant to 37 CFR 1.137(f), filed November 10, 2003 (Certificate of Mailing dated November 6, 2003).

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.137(f)." This is **not** a final agency decision within the meaning of 5 USC 704.

Papers filed in a patent application must be signed by:

- (1) A registered attorney or agent of record appointed in compliance with § 1.34(b);
- (2) A registered attorney or agent not of record who acts in a representative capacity under the provisions of § 1.34(a);
- (3) An assignee as provided for under § 3.71(b) of this chapter; or
- (4) **All of the applicants (§ 1.41(b)) for patent, unless there is an assignee of the entire interest and such assignee has taken action in the application in accordance with § 3.71 of this chapter.**¹

¹ 37 CFR 1.33(b) (emphasis added).

Here, the instant petition was only signed by one of the applicants for patent, Richard D. Weir. The other applicant, Carl Nelson, has not signed the petition. There is no indication in the record that a registered attorney has been appointed in the above identified application. In addition, the record does not reveal that there is an assignee.

Accordingly, until the petition is signed by a party or parties as set forth in 37 CFR 1.33(b), the petition can not be considered on the merits.

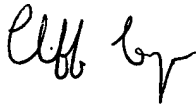
Receipt of the \$665 petition fee, submitted with the petition, is acknowledged. Accordingly, no further petition fee need be submitted with the renewed petition.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petitions
 Commissioner for Patents
 P.O. Box 1450
 Alexandria VA 22313-1450

By FAX: 703-872-9306
 Attn: Office of Petitions

Telephone inquiries regarding this decision should be directed to the undersigned at (703) 305-0272.



Cliff Congo
Petitions Attorney
Office of Petitions